

### **REMARKS**

In the Office Action of April 2, 2004 claims 1-9, 12, 13, 17, 20-26, 29, 32, 38-44 and 47 are rejected under 35 U.S.C. 103 as being unpatentable over Falciglia (5,935,002).

Claims 10, 11, 14, 15, 18, 19, 27, 28, 30, 31, 33-37, 45, 46, 48, 49 are rejected under 35 U.S.C. 103 as being unpatentable over Falciglia in view of Bennett.

In addition to applicant arguments submitted in the amendment of February 2, 2004 applicant wishes to note as follows. The Examiner in the last Office Action states that shaded appearance can be interpreted as transparent and shaded appearances can be interpreted as transparent overlapping characters. The Examiner does not provide any support for such statement. According to the Webster Dictionary , the word “transparent” means to show through or having the property of transmitting light without appreciable scattering so that bodies lying beyond are entirely visible and the word “shaded” means to have the property of “comparative darkness or obscurity owing to interception of the rays of light” (see Webster’s new Collegiate Dictionary”).

The Examiner stated that in Falciglia a transparent second image (shaded) is superimposed on a first image, as disclosed by Figures 2A to 2D in the Falciglia patent. Applicant respectfully disagrees. There is no disclosure of or reference to shading let alone a reference to the fact that the shading is a second image.

The only reference made is that the first image of any of the numerals is covered on the initial game play and then when the player matches a number in any one of the boxes 7a to 7e with its corresponding column, then the number in the corresponding column is covered. “Cover” is a word generally described or used to mean conceal or hide something that shelters,

conceals or obscures as defined in the Webster Dictionary. It cannot be interpreted as being a transparent second image. There is no reference at all in either the Falciglia or Bennet patents to a second image being transparent.

As previously discussed all the Bennett patent discloses is that an icon whether it is static or animated, traverses a path over a number of symbols. It momentarily covers a symbol so that the underlying symbol cannot be seen and then it moves on to the next symbol to cover that symbol. Any previous symbol covered returns to show the original depiction of that symbol. However, there is no disclosure at all that the moving image along the path is transparent so that the underlying symbol can be seen through the moving image.

It should be again emphasized that each of the references teach away from the transparent second image component because Falciglia covers a portion of the screen and in Bennett while a symbol moves to different symbol locations on the screen at part of the basic game operations. Therefore the combination of these references would not render the present invention obvious to a skilled artisan.

Claim 1 has been slightly amended to more clearly define the invention. The amendment is supported by the specification , page 5, line 34 to page 6, line 16.

Applicant again wishes to emphasize that Falciglia taken alone or with Bennett fail to suggest that a transparent second image is superimposed or overlaid the first image.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Brian S. Myers", is written over a horizontal line.

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